

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-01813-RDM

CONNELL v. UNITED STATES SOUTHERN COMMAND
Assigned to: Judge Randolph D. Moss
Cause: 05:552 Freedom of Information Act

Date Filed: 08/01/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**JAMES G. CONNELL, III**

represented by **JAMES G. CONNELL, III**
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V.

Defendant**UNITED STATES SOUTHERN
COMMAND**

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Date Filed	#	Docket Text
08/01/2018	<u>1</u>	COMPLAINT against UNITED STATES SOUTHERN COMMAND (Filing fee \$ 400, receipt number 4616093920) filed by JAMES G. CONNELL, III. (Attachment: # <u>1</u> Civil Cover Sheet) (tth) (Entered: 08/02/2018)
08/01/2018		SUMMONS (4) Issued as to UNITED STATES SOUTHERN COMMAND, U.S. Attorney (2), and U.S. Attorney General. (tth) (Entered: 08/02/2018)

08/02/2018	<u>2</u>	STANDING ORDER: The parties are hereby ORDERED to comply with the directives set forth in the Court's Standing Order. See document for details. Signed by Judge Randolph D. Moss on 8/2/2018. (lcrdm1,) (Entered: 08/02/2018)
09/05/2018	<u>3</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint by UNITED STATES SOUTHERN COMMAND (Haynes, Fred) (Entered: 09/05/2018)
09/07/2018		MINUTE ORDER: Upon consideration of the Consent Motion for an Extension of Time <u>3</u> , it is hereby ORDERED that the motion is GRANTED. Defendant shall answer or otherwise respond to the complaint on or before September 12, 2018. Signed by Judge Randolph D. Moss on 9/7/2018. (lcrdm1,) (Entered: 09/07/2018)
09/07/2018		Set/Reset Deadlines: Defendant shall answer or otherwise respond to the complaint on or before 9/12/2018. (kt) (Entered: 09/07/2018)
09/12/2018	<u>4</u>	ANSWER to <u>1</u> Complaint by UNITED STATES SOUTHERN COMMAND.(Haynes, Fred) (Entered: 09/12/2018)
09/13/2018		MINUTE ORDER: It is hereby ORDERED that the parties shall appear for a status conference on October 2, 2018, at 10:15 a.m. in Courtroom 21. It is further ORDERED that the parties shall meet and confer prior to the status conference to discuss the status of the Department's search and scheduling for further proceedings. Signed by Judge Randolph D. Moss on 9/13/2018. (lcrdm1,) (Entered: 09/13/2018)
09/14/2018		Set/Reset Hearings: Status Conference set for 10/2/2018, at 10:15 AM, in Courtroom 21, before Judge Randolph D. Moss. (kt) (Entered: 09/14/2018)
10/02/2018		Minute Entry for proceedings held before Judge Randolph D. Moss: Status Conference held on 10/2/2018. Defendant to provide responsive documents to Plaintiff by 10/25/2018. Oral motion by Plaintiff for leave of court to receive filings electronically; HEARD and GRANTED. The Clerk's office shall activate Plaintiff's existing ECF login credentials for use in this case. A further Status Conference is set for 10/31/2018, at 10:30 AM, in Courtroom 21, before Judge Randolph D. Moss. (Court Reporter: Jeff Hook.) (kt) (Entered: 10/02/2018)
10/31/2018		Minute Entry for proceedings held before Judge Randolph D. Moss: Status Conference held on 10/31/2018. Joint Status Report due on or before 1/4/2019. (Court Reporter: Jeff Hook.) (kt) (Entered: 10/31/2018)
01/04/2019	<u>5</u>	STATUS REPORT by JAMES G. CONNELL, III. (ztd) (Entered: 01/11/2019)
05/14/2019	<u>6</u>	PROPOSED BRIEFING SCHEDULE (<i>JOINT</i>) by UNITED STATES SOUTHERN COMMAND. (Haynes, Fred) (Entered: 05/14/2019)
06/05/2019		MINUTE ORDER: Upon consideration of the parties' joint proposed schedule, it is hereby ORDERED that the following schedule shall govern proceedings in this case: Defendant shall file its summary judgment motion on or before June 7, 2019; Plaintiff shall file its response to that motion and any cross-motion for summary judgment on or before July 8, 2019; Defendant shall file its reply on or before July 22, 2019; and Plaintiff shall file its reply, if any, on or before July 29, 2019. Signed by Judge Randolph D. Moss on 6/5/2019. (lcrdm1,) (Entered: 06/05/2019)
06/06/2019		Set/Reset Deadlines: Defendant shall file its summary judgment motion on or before 6/7/2019; Plaintiff shall file its response to that motion and any cross-motion for summary judgment on or before 7/8/2019; Defendant shall file its reply on or before 7/22/2019; and Plaintiff shall file its reply, if any, on or before 7/29/2019. (kt) (Entered: 06/06/2019)
06/07/2019	<u>7</u>	Consent MOTION for Extension of Time to File <i>Defendant's Motion for Summary Judgment</i> by UNITED STATES SOUTHERN COMMAND (Haynes, Fred) (Entered: 06/07/2019)
06/12/2019		MINUTE ORDER: Upon consideration of Defendant's motion for extension of time, Dkt. <u>7</u> , it is hereby ORDERED that the motion is GRANTED. Defendant shall file its motion for summary judgment on or before June 17, 2019. Signed by Judge Randolph D. Moss on 6/12/2019. (lcrdm1,) (Entered: 06/12/2019)
06/12/2019		Set/Reset Deadlines: Defendant's Summary Judgment Motion due by 6/17/2019. (dot) (Entered: 06/12/2019)

06/17/2019	<u>8</u>	Consent MOTION for Extension of Time to File <i>Defendant's Motion for Summary Judgment</i> by UNITED STATES SOUTHERN COMMAND (Haynes, Fred) (Entered: 06/17/2019)
06/20/2019		MINUTE ORDER: Upon consideration of the consent motion for extension, Dkt. <u>8</u> , it is hereby ORDERED that the motion is GRANTED. Defendant shall file its motion for summary judgment on or before July 29, 2019. Signed by Judge Randolph D. Moss on 6/20/2019. (lcrdm1,) (Entered: 06/20/2019)
06/20/2019		Set/Reset Deadlines: Defendant's Summary Judgment motion due by 7/29/2019. (kt) (Entered: 06/20/2019)
06/27/2019	<u>9</u>	NOTICE OF SUBSTITUTION OF COUNSEL by John Cuong Truong on behalf of All Defendants Substituting for attorney Fred Haynes (Truong, John) (Entered: 06/27/2019)
07/29/2019	<u>10</u>	MOTION for Extension of Time to <i>File Motion for Summary Judgment</i> by UNITED STATES SOUTHERN COMMAND (Truong, John) (Entered: 07/29/2019)
07/29/2019	<u>11</u>	NOTICE of Plaintiff's Position and Filing of Exhibits by UNITED STATES SOUTHERN COMMAND re <u>10</u> MOTION for Extension of Time to <i>File Motion for Summary Judgment</i> (Truong, John) (Entered: 07/29/2019)
08/05/2019		MINUTE ORDER: Upon consideration of Defendant's unopposed Motion for Extension of Time to file its Motion for Summary Judgment, Dkt. <u>10</u> , it is hereby ORDERED that the motion is granted. Defendant shall file its Motion for Summary Judgment on or before September 29, 2019. Signed by Judge Randolph D. Moss on 08/05/2019. (lcrdm1,) (Entered: 08/05/2019)
08/06/2019		Set/Reset Deadlines: Summary Judgment motion due by 9/29/2019. (kt) (Entered: 08/06/2019)
09/26/2019	<u>12</u>	Consent MOTION for Extension of Time to <i>Motion for Summary Judgment</i> by UNITED STATES SOUTHERN COMMAND (Truong, John) (Entered: 09/26/2019)
09/26/2019		MINUTE ORDER: Upon consideration of Defendant's consent motion for an extension of time to file motion for summary judgment, Dkt. <u>12</u> , it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that Defendant shall file its motion for summary judgment on or before October 11, 2019. Signed by Judge Randolph D. Moss on 9/26/19. (lcrdm1,) (Entered: 09/26/2019)
09/26/2019		Set/Reset Deadlines: Defendant's Summary Judgment motion due by 10/11/2019. (kt) (Entered: 09/26/2019)
10/10/2019	<u>13</u>	MOTION for Extension of Time to <i>File Motion for Summary Judgment</i> by UNITED STATES SOUTHERN COMMAND (Truong, John) Modified on 10/11/2019 (ztd). (Entered: 10/10/2019)
10/10/2019		MINUTE ORDER: Upon consideration of Defendant's motion for an extension of time, Dkt. <u>13</u> , it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that Defendant shall file its motion for summary judgment on or before October 16, 2019. Signed by Judge Randolph D. Moss on 10/10/19. (lcrdm1) (Entered: 10/10/2019)
10/16/2019	<u>14</u>	MOTION for Summary Judgment by UNITED STATES SOUTHERN COMMAND (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration of Michael Droz, # <u>3</u> Vaughn Index)(Truong, John) (Entered: 10/16/2019)
10/18/2019	<u>15</u>	FOX/NEAL ORDER: Plaintiff is hereby ORDERED to respond to Defendant's Motion for Summary Judgment, Dkt. <u>14</u> , on or before November 11, 2019. See document for details. Signed by Judge Randolph D. Moss on 10/18/19. (lcrdm1) (Entered: 10/18/2019)
10/18/2019		MINUTE ORDER: In light of Defendant's recent filing of its motion for summary judgment, Dkt. <u>14</u> , and the multiple filing deadline extensions that the Court has granted Defendant since its original setting of the briefing schedule, Minute Order (Jun. 5, 2019), it is hereby ORDERED that the following schedule shall govern the remaining briefing in this matter: Plaintiff shall file his response to Defendant's motion for summary judgment and any cross-motion on or before November 11, 2019;

		Defendant shall file its reply on or before November 25, 2019; and Plaintiff shall file its reply, if any, on or before December 4, 2019. Signed by Judge Randolph D. Moss on 10/18/19. (lcrdm1) (Entered: 10/18/2019)
10/21/2019		Set/Reset Deadlines: Response to Motion for Summary Judgment due by 11/11/2019. Reply to Motion for Summary Judgment due by 11/25/2019. Plaintiff's Reply due by 12/4/2019. (kt) (Entered: 10/21/2019)
11/07/2019	<u>16</u>	Consent MOTION for Leave to File <i>Supplemental Declaration and Vaughn Index</i> by UNITED STATES SOUTHERN COMMAND (Attachments: # <u>1</u> Supplemental Droz Declaration (Gov. Exh. A), # <u>2</u> Revised Vaughn Index (Gov. Exh. B))(Truong, John) (Entered: 11/07/2019)
11/07/2019	<u>17</u>	Consent MOTION to Modify <i>Briefing Schedule</i> by UNITED STATES SOUTHERN COMMAND (Truong, John) (Entered: 11/07/2019)
11/11/2019	<u>18</u>	RESPONSE re <u>14</u> MOTION for Summary Judgment filed by JAMES G. CONNELL, III. (Attachments: # <u>1</u> Memorandum in Support Memorandum of Points and Authorities, # <u>2</u> Text of Proposed Order Proposed Order, # <u>3</u> Affidavit Transcript of the Sworn Testimony of Lieutenant Douglas R. Newman, dated September 11, 2018, # <u>4</u> Affidavit Transcript of the Sworn Testimony of Lieutenant Douglas R. Newman, dated September 12, 2018, # <u>5</u> Affidavit Transcript of the Sworn Testimony of Mr. Williams S. Castle, dated November 13, 2018, # <u>6</u> Affidavit Declaration of Mr. William S. Castle, # <u>7</u> Affidavit Declaration of Mr. Harvey Rishikof and Mr. Gary D. Brown, # <u>8</u> Affidavit Second Declaration of Mr. Harvey Rishikof and Mr. Gary D. Brown, # <u>9</u> Affidavit Declaration of Secretary James N. Mattis)(Connell, James) (Entered: 11/11/2019)
11/11/2019	19	Cross MOTION for Summary Judgment by JAMES G. CONNELL, III (ztd); (See docket entry no. <u>18</u> to view.) (Entered: 11/13/2019)
11/12/2019		MINUTE ORDER: Upon consideration of Defendant's consent motion for leave to supplement the record and to modify the briefing schedule, Dkt. <u>16</u> & <u>17</u> , it is hereby ORDERED that the motions are GRANTED. It is ORDERED that Defendant's Supplemental Droz Declaration (Gov't Ex. A) and Revised Vaughn Index (Gov't Ex. B) are hereby considered FILED. It is further ORDERED that the briefing schedule is hereby MODIFIED as follows: Plaintiff's Opposition and/or Cross-Motion for summary judgment shall be filed on or before November 18, 2019; Defendant's Reply and Opposition to any Cross-Motion for summary judgment shall be filed on or before December 3, 2019; and Plaintiff's Reply shall be filed on or before December 12, 2019. Signed by Judge Randolph D. Moss on 11/12/19. (lcrdm1) (Entered: 11/12/2019)
11/12/2019	<u>20</u>	AFFIDAVIT of Michael Droz by UNITED STATES SOUTHERN COMMAND. (ztd) (Entered: 11/13/2019)
11/13/2019		NOTICE OF ERROR re <u>18</u> Response to motion; emailed to jconnell@connell-law.com, cc'd 2 associated attorneys -- The PDF file you docketed contained errors: 1. Two-part docket entry, 2. Do Not Refile. FYI for future filings. Please remember to file all parts of your document. The Court has made the entry for this document. (ztd,) (Entered: 11/13/2019)
11/13/2019	<u>21</u>	Revised Vaughn Index from Defendant United States Southern Command. (ztd) (Entered: 11/13/2019)
12/02/2019	<u>22</u>	MOTION for Extension of Time to <i>Respond to Plaintiff's Cross-Motion for Summary Judgment and file Reply</i> by UNITED STATES SOUTHERN COMMAND (Truong, John) (Entered: 12/02/2019)
12/02/2019		MINUTE ORDER: Upon consideration of Defendant's motion for extension of time, Dkt. <u>22</u> , it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that Defendant shall respond to Plaintiff's cross motion for summary judgment and file its reply on or before December 19, 2019. Signed by Judge Randolph D. Moss on 12/2/19. (lcrdm1) (Entered: 12/02/2019)